

TENTATIVE RULINGS for CIVIL LAW and MOTION

June 10, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

TENTATIVE RULING

Case: **Barr v. Regents of The University of California**
Case No. CV CV 08-2136

Hearing Date: **June 10, 2009** **Department Fifteen** **9:00 a.m.**

Defendants' request for judicial notice is **GRANTED**. (Evid. Code, § 452, subd. (d).)

The demurrer of defendants, Marlo Peters, Nancy Harlow, Shannon Stickel, Rebecca Chidestar, Carrie Gonzales and Brenda Vargas to the first and second causes of action for disability discrimination and associational discrimination is **SUSTAINED WITHOUT LEAVE TO AMEND**. Plaintiff cannot state facts sufficient to constitute a cause of action for disability or associational discrimination under FEHA against defendants as a matter of law. Individual employees, including supervisors, cannot be held liable for discrimination under FEHA as a matter of law. (*Reno v. Baird* (1998) 18 Cal.4th 640, 645.)

Defendants' demurrer to Plaintiff's third cause of action for constructive discharge/wrongful termination in violation of public policy, fourth cause of action for breach of implied contract of continued employment and fifth cause of action for breach of implied covenant of good faith and fair dealing is **SUSTAINED WITHOUT LEAVE TO AMEND**. (Code Civ. Proc., § 430.10, subd. (e); *Miklosky v. Regents of University of California* (2008) 44 Cal.4th 876, 899; *Reno v. Baird* (1998) 18 Cal.4th 640, 645-647.) Plaintiff cannot state facts sufficient to constitute a cause of action for constructive discharge/wrongful termination in violation of public policy, breach of implied contract, or a cause of action for breach of implied covenant of good faith and fair dealing against defendants as a matter of law.

Defendants' motion to strike is **DENIED AS MOOT**. (See December 16, 2008, Order After Hearing.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Florin Resource Conservation District v. JBK Finance, LLC**
Case No. CV CV 08-974

Hearing Date: **June 10, 2009** **Department Fifteen** **9:00 a.m.**

The unopposed discovery motions by Burke, Williams & Sorensen, LLP ("BWS") and Urban J. Schreiner ("Schreiner") are **GRANTED**. (Code Civ. Proc., §§ 2030.300, subd. (a) and 2031.300, subd. (a).)

Florin Resource Conservation District shall serve verified responses, without objections, to form interrogatory nos. 1.1, 3.1-3.7, and 50.1-50.6 from BWS and Schreiner; special interrogatory nos. 1-3 and 8-26 from Schreiner; special interrogatory nos. 1-6, 15-32, and 35 from BWS; request for production of documents nos. 1-4 and 12 from Schreiner; and request for production of documents nos. 1-4, 13, and 15 from BWS **by no later than June 26, 2009.**

Florin Resource Conservation District shall serve further responses to form interrogatory nos. 9.1-9.2 and 14.1-14.2 from BWS and Schreiner; special interrogatory nos. 4-7 from Schreiner; special interrogatory nos. 7, 11-14, 33, and 34 from BWS; request for production of documents nos. 5-11 and 13-15 from Schreiner; and request for production of documents nos. 5-12, 14, and 16 from BWS **by no later than June 26, 2009.**

The unopposed request for monetary sanctions is **GRANTED** against Florin Resource Conservation District in the total amount of \$6,690.00. (Cal. Rules of Court, rule 3.1030.)

BWS and Schreiner shall serve a copy of this ruling on Florin Resource Conservation District **by no later than June 12, 2009.**

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **Wheeler v. Taylor Morrison of California, LLC, et al**
Case No. CV CV 08-49

Hearing Date: **June 10, 2009** **Department Fifteen** **9:00 a.m.**

Defendant/cross-complainant Taylor Morrison of California, LLC's unopposed motion for determination of good faith settlement and dismissal of cross-complaints is **GRANTED**. (Code Civ. Proc., § 877.6; Cal. Rules of Court, rule 3.1382.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.